

# Notice of Allowability

Application No.

10/665,715

Examiner

Elizabeth Slobodyansky, PhD

Applicant(s)

MANNING ET AL.

Art Unit

1652

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment 10 August 2006.
2. ☒ The allowed claim(s) is/are 39,40,42 and 43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 7/16/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

The AF amendment filed August 10, 2006 canceling claims 29-38, amending claims 39 and 41 has been entered.

Claims 39-43 are pending.

### ***Election/Restrictions***

Applicant's election with traverse of Group V, claims 39-43, in the reply filed on August 10, 2006 is acknowledged (Remarks, page 4). Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement. Furthermore, Applicant canceled non-elected claims rendering the requirement moot.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lawrence Graham on September 13, 2006.

The application has been amended as follows:

### **IN THE SPECIFICATION:**

On page 1,

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line 3,

delete "copening";

line 4,

replace "April 9, 2003," with --April 9, 2001, now US Patent 6,656,713--;

line 5,

insert --now abandoned-- after "December 10, 1998".

**IN THE CLAIMS:**

In claim 39,

lines 4-5,

replace "differs therefrom at no more than 15% of the amino acid residues of SEQ ID NO:16" with --is encoded by a polynucleotide that hybridizes to a polynucleotide encoding SEQ ID NO:16 under stringent conditions comprising washing at 65° C in 0.2 x SSC containing 0.1% SDS--;

line 10,

insert --in the presence of the candidate agent-- after "phosphorylated I $\kappa$ B".

In claim 42,

line 9,

insert --in the presence of the candidate agent, relative to a predetermined ability of the polypeptide to bind thereof in the absence of the candidate agent-- after "SEQ ID NO:9".

In claim 43,

line 9,

insert --in the presence of the candidate agent, relative to a predetermined ability of the polypeptide to modulate the release of NF- $\kappa$ B from I $\kappa$ B or the nuclear translocation of NF- $\kappa$ B in the absence of the candidate agent-- after "NF- $\kappa$ B".

Cancel claim 41.

### ***REASONS FOR ALLOWANCE***

The following is an examiner's statement of reasons for allowance:

The allowed claims are drawn to enabled methods of use of a novel and non-obvious product, an ubiquitin ligase of SEQ ID NO:16. As such, the claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

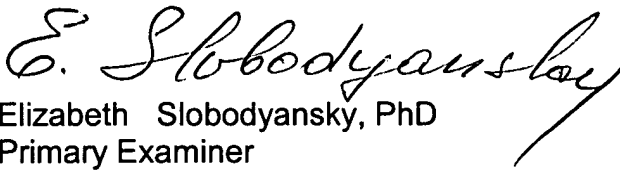
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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Slobodyansky, PhD whose telephone number is 571-272-0941. The examiner can normally be reached on M-F 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, PhD can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Elizabeth Slobodyansky, PhD  
Primary Examiner  
Art Unit 1652

September 14, 2006